

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER  
DISASTER SITE LITIGATION

21 MC 100 (AKH)

DENNIS THOMSON,

Plaintiff,

Civil Action No. 05 cv 07520 (AKH)

v.

**STIPULATION AND ORDER**

CITY OF NEW YORK,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, on behalf of their respective clients in the above-captioned action, as follows:

WHEREAS, the Tabak Mellusi & Shisha firm (the "Shisha firm"), on behalf of Plaintiff Dennis Thomson ("Thomson") commenced this action asserting claims against the City of New York alleging respiratory injuries arising from Thomson's alleged participation in the rescue, recovery and debris removal operation at the World Trade Center ("WTC") Site and related locations following the terrorist attacks of September 11, 2001 ("WTC rescue, recovery and debris removal operation"), and also asserting an orthopedic injury arising from a September 6, 2004 incident unrelated to the WTC rescue, recovery and debris removal operation;

WHEREAS, this action initially was filed in the United States District Court for the Eastern District of New York and assigned to the Honorable I. Leo Glasser;

WHEREAS, this action was transferred on August 18, 2005 to the United States District Court for the Southern District of New York and assigned to the Honorable Alvin K. Hellerstein, U.S.D.J., pursuant to the Air Transportation Safety and System Stabilization Act ("ATSSSA"), Pub. L. 107-42, § 408(b)(3), 115 Stat. 230, 241 (2001);

WHEREAS, Thomson recently dismissed from the above-captioned action any claims related to or arising from his alleged participation in the WTC rescue, recovery and debris removal

operation (*See* Stipulation, *In re World Trade Center Disaster Site Litigation*, 21 MC 100 (AKH), entered on Nov. 11, 2010);

WHEREAS, as a result of this dismissal, the above-captioned action now involves only Thomson's claim for orthopedic injury arising from a September 6, 2004 incident unrelated to the WTC rescue, recovery and debris removal operation;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:


1. Because the above-captioned action no longer involves any claims arising from the WTC rescue, recovery and debris removal operation, this action is hereby transferred to the United States District Court for the Eastern District of New York with the respectful suggestion that it be reassigned to the Honorable I. Leo Glasser (who first presided over this case).

2. Except as otherwise stated herein, this Stipulation and Order shall not supersede any Orders previously entered in the *In re World Trade Center Disaster Site Litigation*, 21 MC 100 (AKH), *In re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH), *In Re Combined World Trade Center and Lower Manhattan Disaster Site Litigation* (straddler plaintiffs), 21 MC 103 (AKH) and/or in any of the individual actions consolidated thereunder.

This Stipulation and Order may be filed without notice with the Clerk of the Court.

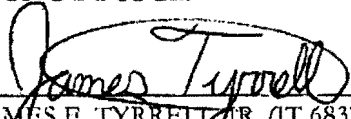
Dated: New York, New York  
April 14, 2011

TABAK MELLOSI & SHISHA


By:   
JACOB SHISHA (JS 5452)  
29 Broadway  
New York, NY 10006

Dated: New York, New York  
April 18, 2011

PATTON BOGGS LLP

By:   
JAMES E. TYRRELL JR. (JT 6837)  
1185 Avenue of the Americas  
New York, NY 10036  
(646) 557-5100

SO ORDERED:

  
HONORABLE ALVIN HELLERSTEIN  
UNITED STATES DISTRICT COURT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

4/28/11

